

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID PORTNOY,

Plaintiff,

INSIDER, INC., at al.

Defendants.

Civil Action No. 1:22-cv-10197-FDS

**PLAINTIFF'S MOTION FOR LEAVE TO FILE AN OVERLENGTH BRIEF IN
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

Pursuant to Local Rule 7.1(b)(4), Plaintiff David Portnoy respectfully requests leave to file an Opposition to Defendants' Motion to Dismiss not to exceed 30 pages, double-spaced. As grounds therefor, Plaintiff states as follows:

1. Plaintiff previously assented to Defendants' Motion seeking leave to file a 25-page brief in support of their Motion to Dismiss, on the condition that Plaintiff be allowed the same number of pages for his Opposition. The Court allowed Defendants' motion to file a 25-page brief. *See* ECF No. 22.

2. Although the brief which Defendants ultimately filed is only 23 pages in length, the lines are spaced using "24 point" spacing rather than double spacing. Had the brief been double spaced, it would have been approximately 29 pages in length.

3. For ease of reading, Plaintiff would prefer to double space his Opposition rather than using the same 24 point spacing that Defendants used. Plaintiff therefore requests permission to file a brief not to exceed 30 double-spaced pages, which is the same volume of text as Defendants' brief, plus one additional page to allow space to respond, in his Opposition, to Defendants' separately filed Request for Judicial Notice, ECF No. 28.

WHEREFORE, Plaintiff David Portnoy respectfully requests leave to file an Opposition to Defendants' Motion to Dismiss not to exceed 30 pages, double-spaced.

Respectfully submitted,

Plaintiff, David Portnoy,
By his attorneys,

/s/ Christian G. Kiely
Howard M. Cooper (BBO #543842)
hcooper@toddweld.com
Christian G. Kiely (BBO #684308)
ckiely@toddweld.com
Todd & Weld LLP
One Federal Street
Boston, MA 02110
(617) 720-2626

Andrew B. Brettler (*pro hac vice*)
abrettler@lavelysinger.com
Jake A. Camara (*pro hac vice*)
jcamara@lavelysinger.com
Lavelly & Singer PC
2049 Century Park East, Suite 2400
Los Angeles, CA 90067
(310) 556-3501

Dated: May 18, 2022

LOCAL RULE 7.1(a)(2) CERTIFICATE

The undersigned certifies that counsel for the parties have conferred, and that Defendants assented to Plaintiff being allowed to submit an opposition of equal length to Defendants' Memorandum in Support of Their Motion to Dismiss.

/s/ Christian G. Kiely
Christian G. Kiely

CERTIFICATE OF SERVICE

I, Christian G. Kiely, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on May 18, 2022.

Dated: May 18, 2022

/s/ Christian G. Kiely
Christian G. Kiely